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SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS

# SUMMARY RECORD OF THE 5th MEETING

Held at Headquarters, New York,
on Friday, 25 August 1978, at 10.30 a.m.

Chairman: Mr. KODJOVI (Togo)

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Consideration, pursuant to paragraph 2 of General Assembly resolution 32/150, of proposals and suggestions submitted by States (continued)

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The meeting was called to order at 11 a.m.

CONSIDERATION, PURSUANT TO PARAGRAPH 2 of GENERAL ASSEMBLY RESOLUTION 32/150, OF PROPOSALS AND SUGGESTIONS SUBMITTED BY STATES (continued) (A/AC.193/L.3)

1. Mr. WITEK (Poland) said that the non-use of force among States was one of the fundamental principles of international relations and the corner-stone of the Charter of the United Nations. Few United Nations bodies had been entrusted with a mandate as far-reaching as that of the Special Committee. The question before the Committee was of profound political importance, and its humanitarian aspects were no less important than the legal ones. The Soviet initiative in proposing the conclusion of a world treaty on the non-use of force in international relations had received overwhelming support from Member States, and Poland had actively supported that initiative from the very outset. No country that had suffered from the use of force could ever have any reservations about enhancing the effectiveness of the principle of non-use of force, or about concluding a world treaty on the subject. The existence of such a treaty would facilitate the solution of conflict situations, both present and future, in accordance with the Charter of the United Nations, and it would constitute an important instrument for shaping international relations on a global scale. It was true that the principle of the non-use of force had been enshrined in the Charter and that a number of General Assembly resolutions on the non-use of force had been adopted, but the conclusion of a world treaty would greatly enhance the principle and develop it further. A similar approach had been used to promote the progressive development of most, if not all, the other principles laid down in the Charter. From the political point of view, in addition to strengthening mechanisms for the preservation of world peace and for the prevention and elimination of aggression, the conclusion of a world treaty on the non-use of force would help to curb the arms race and promote progress towards disarmament. It might further advance international détente and could stimulate disarmament negotiations. Progress in disarmament would in turn favourably affect the economic development of all States, particularly developing countries. From the juridical point of view, the term "non-use of force" covered older concepts such as renunciation of force, refraining from the threat or use of force and prohibition of the use of force. It covered and incorporated other legal principles such as the territorial integrity of States, political independence, territorial inviolability, non-interference in internal affairs, the sovereign equality of States, equal rights, self-determination of peoples and the peaceful settlement of disputes. Inasmuch as those principles were all inherent in the one under discussion, it would be wrong to identify the principle of non-use of force with any particular one of those principles at the expense of the others. By strengthening the principle of non-use of force, the international community would also be strengthening the other principles.

2. His delegation welcomed the draft world treaty on the non-use of force in international relations, submitted by the Soviet Union (A/AC.193/L.3). The Soviet draft emphasized practical means of ensuring general and complete respect for the principle of non-use of force in international relations. It developed the provisions of the Charter and took proper account of the major events and changes

(Mr. Filek, Poland)

that had occurred in the world since the elaboration of the Charter. However, the process of negotiating a final text might be time-consuming and difficult, and success would depend primarily on the goodwill of Governments.

3. Mr. JAIPAL (India) said that, in proposing the conclusion of a world treaty on the non-use of force in international relations, the Soviet Union had pointed out that, despite the provisions of the Charter of the United Nations and the obligation of Member States to respect those provisions, numerous armed conflicts between States had taken place since the founding of the United Nations, hotbeds of war and tension still existed in a number of areas, force had been used again and again for aggression, the acquisition of territory and the oppression of other nations and peoples, and the emergence of nuclear weapons had brought into question the very survival of life on earth. The Soviet Union therefore believed that additional efforts must be made to ensure the strict observance by all States of the principle of non-use of force in international relations. However, the nature of such additional efforts was clearly a matter of opinion. Some Member States had supported the Soviet draft treaty in substance or in principle, while others had pointed out that the draft did not reflect the provisions of Article 51 of the Charter, that it made no mention of the enforcement measures provided for in Chapter VII of the Charter or that, since the draft was an incomplete and selective reiteration of some provisions of the Charter, it would weaken the authority of the Charter. Other States had pointed out that the General Assembly had developed the principle of non-use of force in a number of resolutions and that a world treaty was therefore unnecessary. It was plain that there was no consensus on the draft treaty as originally formulated, but it must be acknowledged that the Soviet initiative was intended to strengthen the legal and political system established by the United Nations Charter. The initiative therefore deserved encouragement. Those who opposed a world treaty on non use of force should be prepared to suggest alternatives with a view to improving the world situation and resolving existing disputes, because either Member States were not observing the provisions of the Charter or, for various reasons, the system established by the Charter had failed to prevent the use of force. Since the signing of the Charter, force had been used in a variety of circumstances, and the underlying causes remained and the disputes were still unresolved. Moreover, the arms race had entered a new phase, and such a situation necessitated a re-examination of the basic concepts and obligations in the Charter. The Soviet initiative therefore provided a useful opportunity for promoting international agreement on the avoidance of the use of force in international relations and on the peaceful settlement of disputes.

4. It should be noted that the developing countries considered that there were certain exceptions to the principle of non-use of force, for example, in the case of the struggle of States and peoples against aggression, occupation, intervention, racism, colonialism, hegemony and foreign pressure and domination of all kinds. The majority of developing countries believed that the exercise of the right of self-defence was not the only situation in which the use of force was permissible. There were other rights which, given the imperfect world established by the Charter of the United Nations, must, in the last resort, be protected by force. Such a situation was a reflection on the failure of the United Nations system to live up

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(Mr. Jaipal, India)

to expectations. Consequently, when considering an international instrument on the non-use of force, it was important to take account of the urgent need to settle existing disputes peacefully, not according to any pre-conceived notions of what was right but rather in a spirit of mutual accommodation and understanding. World peace could not be maintained by accelerating the arms race, by maintaining cease-fires while ignoring the root causes of the conflicts concerned, or by dividing the world into ideological groups that competed for domination. As long as intolerance, inequality and injustice continued to exist, the value of a treaty on the non-use of force would be seriously limited by the large number of exceptions in which the use of force was permitted.

The meeting rose at 11.30 a.m.